

Message Text

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PAGE 01 KINGST 00779 172041Z
ACTION ARA-10

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C O N F I D E N T I A L KINGSTON 0779

E.O. 11652: GDS
TAGS: PINT, PINS, JM
SUBJECT: JUDICIAL ENQUIRY TO PROBE REMA INCIDENT

REFERENCE: KINGSTON 0710

1. BACKTRACKING ON ITS EARLIER DECISION TO HAVE THE REMA INCIDENT (KINGSTON 071) INVESTIGATED BY A PARLIAMENTARY COMMITTEE, PRIME MINISTER MANLEY HAS DECIDED TO TURN OVER THE MEATIER ASPECTS OF THE MATTER TO RETIRED JUDGE RONALD SMALL WHO HAS JUST COMPLETED PHASE 1 OF THE ORANGE STREET FIRE ENQUIRY (SEPTEL). IN A STATEMENT READ TO PARLIAMENT FEBRUARY 15, MANLEY SAID THAT SMALL WOULD INCORPORATE THE REMA INVESTIGATION INTO THE SECOND PHASE OF THE ORANGE STREET ENQUIRY.

2. MANLEY ALSO ANNOUNCED THAT THE TERMS OF REFERENCE FOR THE PARLIAMENTARY INVESTIGATION WOULD BE WIDENED TO INCLUDE A MORE GENERAL STUDY OF THE PROBLEM OF "CAPTURING HOUSES", NON-COOPERATION AND EVICTIONS.

3. IN HOUSE OF REPRESENTATIVES DEBATE FEB 16, OPPOSITION
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PAGE 02 KINGST 00779 172041Z

LEADER SEAGA ARGUED THAT MATTER SHOULD BE TURNED OVER TO THE CHIEF JUSTICE WHO COULD CONDUCT THE ENQUIRY HIMSELF OR ASSIGN A NOMINEE. HE DID NOT OBJECT TO SMALL AS INQUIRER BUT ARGUED AGAINST THE PRECEDENT OF PARLIAMENT DETERMINING WHO SHOULD CONDUCT JUDICIAL ENQUIRIES.

4. MINISTER OF EDUCATION BELL REBUTTED SEAGA'S POSITION BY READING

STATEMENT OF CHIEF JUSTICE KEN SMITH WHO SAID THE JUDICIARY SHOULD AVOID ENQUIRIES "OF A CLEARLY POLITICAL FLAVOR". SMITH'S POSITION WAS CONDEMNED BY BOTH SEAGA AND THE GOVERNMENT SPOKESMAN, VIVIAN BLAKE.

5. COMMENT: THE PRIME MINISTER'S STATEMENT FOLLOWS GROWING CRITICISM OF THE REMA AFFAIR FROM BOTH THE OPPOSITION AND THE RADICAL LEFT. MANLEY'S STATEMENT SOUGHT TO CAST HOUSING MINISTER SPAULDING IN A FAVORABLE LIGHT, IN NOTING HE HAS SOUGHT ADVICE FROM CHURCHMEN, THE OPPOSITION, AND CIVIL LIBERTARIANS ON THE FUTURE OF REMA, BUT SPAULDING REMAINS UNDER CONSIDERABLE PRESSURE. RUMORS ABOUND TO EFFECT THAT EITHER MANLEY OR DUNCAN AND BERTRAM HAVE USED OR PLANNED INCIDENT TO DISCREDIT SPAULDING.

6. BIOGRAPHIC NOTE: JUDGE SMALL IS THE FATHER OF HUGH SMALL, MINISTER OF YOUTH AND SPORTS AND ONE OF THE MOST PERFERVID OF THE GOVERNMENT'S RADICAL FACTION. THE JUDGE AND HIS SON ARE SAID TO HOLD VERY DIFFERENT VIEWS ON ALMOST ALL SUBJECTS. THUS, MANLEY'S DECISION TO ACCEPT THE PROPOSAL OF JUDGE SMALL THAT HE CONDUCT AN ENQUIRY INTO REMA ALLOWS THE GOVERNMENT TO ASSERT A COMMITMENT TO IMPARTIALITY. OPPOSITION LEADER SEAGA FEELS SMALL IS IMPARTIAL BUT LEGALISTIC AND THAT HE IS UNLIKELY TO REACH ANY CONCLUSION HE DOES NOT FEEL WOULD STAND UP IN COURT. ORANGE STREET FINDINGS WOULD TEND TO SUPPORT THIS VIEW.
GERARD

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